

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-232-C - ORDER NO. 2008-735
NOVEMBER 13, 2008

IN RE: Complaint of E. R. (Ron) Rutter v. United) ORDER SUSPENDING
Telephone Company of the Carolinas d/b/a) DEADLINES,
Embarq) CONTINUING HEARING,
) AND POSTPONING
) RULING ON MOTIONS

This matter before the Public Service Commission of South Carolina (“Commission”) initially arose on an June 13, 2008 filing by E. R. (Ron) Rutter (“Complainant”), a customer of United Telephone Company of the Carolinas d/b/a Embarq (“Embarq”), setting forth a complaint against Embarq on behalf of himself and other Embarq customers. The issue presently to be decided by the Commission is a Motion for Partial Dismissal, or in the Alternative, Partial Judgment on the Pleadings filed by Embarq.

On June 20, 2008, the Commission’s Docketing Department by letter informed all parties of the deadlines for submission of direct, rebuttal, and surrebuttal testimony in this proceeding and issued a Notice of Hearing whereby a hearing was scheduled on this matter for October 16, 2008. The Complainant and Embarq both timely filed their direct testimony with the Commission as required. To date, no further testimony has been received. Concurrent with filing of its direct testimony on September 18, 2008, Embarq filed its Motion for Partial Dismissal or, in the Alternative, Partial Judgment on the Pleadings. Thereafter, on October 3, 2008, Embarq filed a request asking that the hearing

set for October 16, 2008, be continued and rescheduled to a later date. Embarq's counsel, via email correspondence of October 3, 2008, informed the Commission that the Complainant was hospitalized and that Mrs. Rutter, on behalf of the Complainant, did not object to the continuance requested. The Commission granted Embarq's request and rescheduled the hearing to January 29, 2009.

Since the time of the above stated actions to this proceeding, the Commission has been made aware of the death of the Complainant. For this reason, the Commission forgoes rendering a decision on Embarq's motion at this time. Additionally, we find that the hearing currently scheduled for January 29, 2009, should be continued and that all remaining deadlines for testimony should be suspended for ninety (90) days to allow the executor of Mr. Rutter's estate time to communicate to the parties and the Commission how they intend to proceed in this matter.

IT IS THEREFORE ORDERED:

1. That the Motion of United Telephone Company of the Carolinas d/b/a Embarq for Partial Dismissal or, in the Alternative, Partial Judgment on the Pleadings is held in abeyance.
2. That the hearing scheduled for January 29, 2009, is hereby continued, and all deadlines are suspended for ninety (90) days from the date of this Order.
3. That the estate of E. R. (Ron) Rutter is given ninety (90) days from the date of this Order to notify the parties and the Commission of how the estate will proceed with this matter.

OCTOBER 23, 2008


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4. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman

(SEAL)